

REMARKS

Summary of the Office Action

In the Office Action, dated December 23, 2003, the Examiner stated that the title is not descriptive, and claims 1 - 4 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tsai et al. (U.S. Patent No. 5,982,735).

Summary of Response to the Office Action

Applicant has amended the title of this application so that the title is clearly indicative of the invention to which the claims are directed.

Applicant cancels claims 2 and 4 and amends claims 1 and 3. Accordingly, claims 1 and 3 are now pending in this application.

The Rejection of Claim 1 and 3 under 35 U.S.C. § 102(b)

In the Office Action, claims 1 - 4 stand rejected under 35 U.S.C. §102(b) as being anticipated by Tsai et al. Applicant respectfully traverses the rejection of all claims, and respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims.

Independent claim 1, as amended, recites, in part, an apparatus for controlling an optical pickup, in which "a casing fixed to a deck base next to four corners of an opening formed at the deck base, and having an inner space open downwardly." Similarly, independent claim 3, as amended, recites, in part, an optical writing and reading apparatus, wherein each of the adjusters comprises "a casing fixed to a deck base next to four corners of an opening formed at the deck base, and having an inner space open downwardly."

In contrast to Applicant's claimed invention, Tsai describes an adjustment mechanism for use in a compact disc recording/reproducing device by implementing three height-adjustable

supports and a single fixed support (Tsai, column 3, lines 12-20, FIG. 2). Applicant respectfully submits that in the current invention, four adjusters are mounted on the each corners of the opening. Furthermore, Applicant respectfully submits that Tsai discloses (column 2, lines 45-48, Fig. 4), a detailed structure of support 50 that is different from Applicant's claimed invention.

Applicant respectfully submits that in the present invention, an adjuster casing has its inner space open downwardly, however, Tsai's support (i.e. adjuster casing) has accommodating space open upwardly.

As pointed out in MPEP §2131, '[t]o anticipate a claim, the reference must teach every element of the claim.' Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, Applicant respectfully requests that the rejection of amended independent claims 1 and 3 under 35 U.S.C. § 102(b) be withdrawn because Tsai fails to teach the "a casting fixed to a deck base next to four corners of an opening formed at the deck base, and having an inner space open downwardly."

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37.C.R.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully Submitted,

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